

REMARKS

Reconsideration of the application in view of the foregoing amendments and the following remarks is respectfully requested. Claims 1, 11-13, 23, and 24 have been amended. Claims 10 and 22 have been canceled. No claims have been added. Hence, Claims 1-9, 11-21, 23, and 24 are currently pending in the application.

SPECIFICATION

The Office Action objected to the Abstract for being over 150 words long. The Abstract has been amended so that it is no more than 150 words.

The Office Action objected to the Title as allegedly not being descriptive. The Title has been amended to be more descriptive. The Office Action suggested the title, “Multi-domain web server traffic monitoring data structure.” However, the suggested title would be unduly narrow, inasmuch as “domains” and “web servers” are not recited in at least some of the independent claims; therefore, such structures are not present in at least some embodiments of the invention.

CLAIMS REJECTIONS—35 USC 102

The Office Action rejected Claims 1, 4-6, 10, 13, 16-18, and 22 under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent No. 6,493,837 (“Pang”). Claims 10 and 22 have been canceled, thereby obviating the rejection of those claims. Claims 1 and 13 have been amended to more distinctly claim certain embodiments of the invention.

As amended, Claim 1 recites, *inter alia*, “tracking how often said data buffers associated with said data structure are determined to be full.” In the rejection of former Claim 10, the Office Action alleges that Pang discloses this feature beginning at col. 7, line 5, and ending at col. 8, line 19.

This passage of Pang discloses that event-tracing program 230 determines whether a list 220 of free buffers is empty. If list 220 is empty, then event-tracing program 230 calculates **the amount of memory currently being used** by all of processors 200 to log events, and compares that amount with a predetermined maximum. If the amount is less than the maximum, then event-tracing program 230 allocates memory for a new log buffer 204. Thus, event-tracing program 230 determines an amount of memory currently being used.

However, “determining an amount of memory currently being used” is not the same as “tracking **how often** said data buffers associated with said data structure are determined to be full” as recited in Claim 1. The phrase “how often” denotes a frequency. There is no mention, in the cited passage of Pang, of event-tracing program 230 determining **how often** buffers are being used. Even if event-tracing program 230 determines an amount of memory currently being used by all of processors 200, this **amount** contains no information as to **how often** buffers are being used.

Thus, Pang does not teach, disclose, or suggest “tracking how often said data buffers associated with said data structure are determined to be full” as recited in Claim 1. Thus, Claim 1 is patentable over Pang.

Claims 4-6 depend from Claim 1 and therefore include all of the distinguished limitations of Claim 1. Thus, Claims 4-6 are patentable over Pang for at least the reasons given above with reference to Claim 1.

Claims 13 and 16-18 recite computer-readable media that carry instructions for causing one or more processors to perform the methods of Claims 1 and 4-6, respectively. Therefore, it is respectfully submitted that Claims 13 and 16-18 are patentable over Pang for at least the reasons given above in connection with Claims 1 and 4-6, respectively.

CLAIM REJECTIONS—35 U.S.C. 103

The Office Action rejected Claims 2, 3, 7-9, 11, 12, 14, 15, 19-21, 23, and 24 under 35 U.S.C. 103(a) as being unpatentable over Pang in view of information disclosed in the Background of the present application (“the Background”). The rejection is respectfully traversed.

Claims 2, 3, and 7-9 depend from Claim 1. As a result, Claims 2, 3, and 7-9 contain the features of Claim 1 that are distinguished from Pang above. The Office Action does not even allege that the Background discloses the features of Claim 1 that are distinguished from Pang above.

Thus, neither Pang nor the Background teaches, discloses, or suggests “tracking how often said data buffers associated with said data structure are determined to be full” as contained in Claims 2, 3, and 7-9 by virtue of their dependence from Claim 1. In order for a *prima facie* case of obviousness to be established under 35 U.S.C. 103, the combined references must, at least when considered in combination, teach or suggest all of the limitations of the claims that are alleged to be obvious. Even assuming, arguendo, that Pang and the Background could be combined, Pang and the Background still do not teach, disclose, or suggest all of the limitations of Claims 2, 3, and 7-9. Thus, Claims 2, 3, and 7-9 are patentable over Pang and the Background, taken individually or in combination.

Claims 14, 15, and 19-21 recite computer-readable media that carry instructions for causing one or more processors to perform the methods of Claims 2, 3, and 7-9, respectively. Therefore, it is respectfully submitted that Claims 14, 15, and 19-21 are patentable over Pang and the Background for at least the reasons given above in connection with 2, 3, and 7-9, respectively.

As amended, Claim 11 recites, *inter alia*, “monitoring how often data buffers are inserted into a ready-to-write buffer list.”

In the rejection of Claim 12, the Office Action alleges that Pang discloses this feature beginning at col. 7, line 5, and ending at col. 8, line 19. This passage of Pang is discussed above in connection with the rejection of Claim 1. As is discussed above, event-tracing program 230 merely determines an **amount of memory** currently being used, which has no relation to **how often** data buffers are inserted into a ready-to-write buffer list.

Thus, Pang does not teach, disclose, or suggest “monitoring **how often** data buffers are inserted into a ready-to-write buffer list.” as recited in Claim 11. Furthermore, the Office Action does not even allege that the Background discloses this feature of Claim 11.

Thus, neither Pang nor the Background teaches, discloses, or suggests “monitoring how often data buffers are inserted into a ready-to-write buffer list” as recited in Claim 11. Even assuming, *arguendo*, that Pang and the Background could be combined, Pang and the Background still do not teach, disclose, or suggest all of the limitations of Claim 11. Thus, Claim 11 is patentable over Pang and the Background, taken individually or in combination.

Claim 12 depends from Claim 11 and therefore includes all of the distinguished limitations of Claim 11. Thus, Claim 12 is patentable over Pang and the Background for at least the reasons given above with reference to Claim 11.

Claims 23 and 24 recite computer-readable media that carry instructions for causing one or more processors to perform the methods of Claims 11 and 12, respectively. Therefore, it is respectfully submitted that Claims 23 and 24 are patentable

over Pang and the Background for at least the reasons given above in connection with Claims 11 and 12, respectively.

CONCLUSION

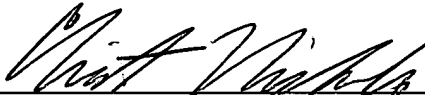
For at least the reasons set forth above, it is respectfully submitted that all pending claims are patentable over the art of record, including the art cited but not applied.

Accordingly, allowance of all claims is hereby respectfully solicited.

Respectfully submitted,

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